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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,437	10/29/2003	Koichiro Hara	501558.20007	6807
7590	05/20/2004		EXAMINER	
Eugene LeDonne, Esq. Reed Smith LLP 599 Lexington Avenue New York, NY 10022-7650			NGUYEN, THINH H	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,437	HARA, KOICHIRO <i>PN</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thinh H Nguyen	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 11-14 is/are allowed.
- 6) Claim(s) 1 and 9 is/are rejected.
- 7) Claim(s) 2-8 and 10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>102903</u> . | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hotomi et al. (U.S.6,682,170)

Hotomi discloses the instant claimed color ink-jet printer comprising:

a first ink ejecting portion operable to eject droplets of a first ink of a first color (characterized by a first inks color having a permeability property different from a second ink color; col.53, claim 8) ;

a second ink ejecting portion operable to eject droplets of a second ink of a second color other than said first color, said second ink being dried at a higher rate than said first ink (characterized by a second inks color having a permeability property different from said first ink color; col.53, claim 8);

a first control portion operable to control said first ink ejecting portion, on the basis of a gray-scale value at a picture element of an image at which each dot of said

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first ink is to be formed on a recording medium, such that a total volume of at least one droplet of said first ink ejected by said first ink ejecting portion to form said each dot of the first ink on the recording medium is equal to any one of a plurality of different total volume values (see controller, col.54, lines 4-9 which controls dots to be formed in different tone levels expressed in term of dot size, ); and

a second control portion operable to control said second ink ejecting portion, on the basis of a gray-scale value at a picture element of the image at which each dot of said second ink is to be formed on the recording medium, such that a total volume of at least one droplet of said second ink ejected by said second ink ejecting portion to form said each dot of said second ink on the recording medium, is equal to one of said plurality of different total volume values, which one is other than a smallest one of said different total volume values except a zero value which does not cause ejection of any ink droplet from said second ink ejecting portion (see controller, col.54, lines 4-9).

***Allowable Subject Matter***

3. Claims 2-8, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 11-14

***Pertinent Prior art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,702,416 to Vanhooydonck;

U.S. Patent 5,801,838 to Larson; and

U.S. Patent 6,024,438 to Koike et al.

**Contact Information**

6. Any inquiry concerning this communication should be directed to examiner Thinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Wed, and Friday from 9:00A – 5:00P. Thursday at telephone number (703) 440-1447. The official fax phone number for the organization is (703) 872-9306.

The examiner supervisor, Stephen Meier, can also be reached at (571) 272-2149.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.

Thinh Nguyen  
May 14, 2004

Thinh Nguyen  
Primary Examiner  
Technology Center 2800